IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 3486 of 2006()

CRA.404/2003 of I ADDL. SESSIONS COURT, PALAKKAD
CC.240/2002 of JUDL.MAGISTRATE OF FIRST CLASS COURT-III, PALAKKAD

REVN. PETITIONER: APPELLANT/ACCUSED:

C.A. KRISHNAN, S/O. APPAI,
NENMENI, KOLLENGODE.

BY ADV. SRI.A.R.GANGADAS
SRI.K.R.RAJKUMAR

RESPONDENTS: COMPLAINANT/STATE:
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1. B.T. SAMBATH, S/O.BALASUMBRAMANIAM,
ABT COACH BUILDERS, V.K. ROAD, PALAKKAD.

2. THE STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

R1 BY ADV. SRI.A.S.BRIJESH
R2 BY PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

Crl.R.P.NO. 3486 OF 2006

Dated this the 4th day of December,2006

O R D E R

The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of one month and was directed to pay a sum of Rs.76,700/- as compensation to the complainant and in default, to undergo simple imprisonment for a period of two months. On appeal by the accused, the Appellate Court confirmed the conviction and sentence and dismissed the appeal.

2. Crl.M.A. No.12398 of 2006, signed by the complainant and the accused and their counsel, filed under Section 147 of the Negotiable Instruments Act was allowed.

Accordingly, the Criminal Revision Petition is

allowed, the conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

Crl.M.A.NO. 12398 OF 2006

Dated this the 4th day of December,2006

O R D E R

This is an application under Section 147 of the Negotiable Instruments Act, seeking to compound the offence under Section 138 of the Act. The application is signed by the revision petitioner/accused and the first respondent/ complainant. It is stated in the application that the matter is settled between the parties. Hence the application is allowed.

(K.T.SANKARAN)
Judge

ahz/